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at 6 p.m.
New York

SUMMARY RECORD OF THE 10th MEETING

Chairman:

Mr. KRENKEL

(Austria)

CONTENTS

AGENDA ITEM 91: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued)*

AGENDA ITEM 92: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)*

* Items considered together.

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The meeting was called to order at 6 p.m.

AGENDA ITEM 91: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued)
(A/47/18, A/47/425, A/47/426, A/47/432, A/47/480 and Add.1, A/47/481)

AGENDA ITEM 92: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)
(A/47/391, A/47/412, A/47/433; A/C.3/47/3)

Statements in exercise of the right of reply

1. Mr. SCHÜTTE (Germany) said that his delegation wished to reply to the remarks made by the representative of Czechoslovakia under item 91 concerning manifestations of new forms of racism and xenophobia in Europe and mentioning Germany by name.

2. The representative of the Presidency of the European Community had already emphasized that the 12 Governments of the Community were committed to doing everything they could to eliminate such racial prejudice. Germany's position on the subject had been made very clear by the Minister for Foreign Affairs, speaking in the plenary of the General Assembly on 23 September, and by Chancellor Kohl on 24 September when he had emphasized, inter alia, that extremists would not drive a wedge between Germans and foreigners living in Germany and that Germany would remain a country friendly to foreigners. There was clearly no doubt about the determination of the German Government to fight racism and xenophobia and criminal acts against foreigners.

3. Germany was already home to 6.3 million foreigners and the unabated influx indicated that it was a country attractive to foreigners. Germany had become a magnet for massive social migration from East to West and from South to North. In 1992 alone, more than 450,000 asylum-seekers were expected, and 220,000 refugees from Croatia and from Bosnia and Herzegovina had found refuge in Germany. Such massive movements of people, unequalled elsewhere in Europe, had resulted in serious social problems and had to be taken into account when judging the German people's attitude towards foreigners.

4. While it was necessary to do everything possible to fight racism and xenophobia, it was also necessary to analyse the causes of massive migratory movements and to help improve the conditions which made people leave their home countries. The German Government saw an important role for the United Nations in that respect.

5. Miss MANIMEKALAI (India) said that the representative of Pakistan had made unwarranted comments on the internal situation in India and, by bringing the matter of Jammu and Kashmir into the debate, was attempting to undermine the concept of self-determination itself. The United Nations had prescribed that self-determination was a right applicable only to Non-Self-Governing Territories and not to integral parts of sovereign countries. A number of speakers in the General Assembly had already warned against the application of that right to regions within sovereign nations.

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(Miss Manimekalai, India)

6. The accession of the State of Jammu and Kashmir to India in 1947 had been valid and was irrevocable under international law; it had been reaffirmed by the State's Constituent Assembly in 1951. Article 370 of the Indian Constitution embodied her Government's determination to protect the people of Kashmir and to ensure their equality with all other Indian citizens.

7. Pakistan's championship of the right of Jammu and Kashmir to self-determination was nothing but a cover for its incitement to terrorism in that part of India, which was well documented even by external sources. The present situation was a direct result of Pakistan's propaganda and intervention in the internal affairs of India. The real problem was Pakistan's occupation of part of the territory of Jammu and Kashmir. India had repeatedly offered the hand of friendship to Pakistan under the Simla Agreement between the two countries. It again appealed to Pakistan to seek to resolve issues through bilateral negotiations.

8. Mr. ZIPORI (Israel) said that for many years Israel had been the victim of a gross decision by the United Nations equating its movement for freedom and independence - zionism - with racism. Israel was therefore very sensitive to the sufferings of other people deemed different on grounds of race or belief. Out of respect for the current promising dialogue between Israel and its immediate neighbours, his delegation would not enter into polemics concerning the baseless allegations made against its Government, which was exercising its right to protect the inhabitants of Israel against terrorism and to maintain the country's security. It must be emphasized that Israel did its utmost to respect human rights within its territories for all its inhabitants; it would like to see human rights respected everywhere in the world through the elimination of racism and racial discrimination.

9. Mr. NIAZ (Pakistan) said that the representative of India had made baseless allegations against Pakistan. Jammu and Kashmir was not an integral part of India but a disputed territory recognized as such by the United Nations, as could be seen from the presence of the United Nations Military Observer Group in India and Pakistan. The Simla Agreement also recognized "a final settlement of Jammu and Kashmir" as one of the outstanding issues. The relevant resolutions of the Security Council and the United Nations Commission for India and Pakistan (UNCIP) also called for an impartial plebiscite to be held under the auspices of the United Nations. In its statement, his delegation had cited the first Prime Minister of India, who had reiterated India's commitment to a plebiscite, but India's most important commitment had been its acceptance of the UNCIP resolutions of 13 August 1948 and 5 January 1949.

10. The representative of India had also alleged that Pakistan was inciting the so-called terrorism in Indian-held Kashmir. India's rejection of Pakistan's proposal for the stationing of international observers along the Line of Control highlighted the falsity of that allegation. The fact was that the people of Indian-held Kashmir had risen up against the Indian authorities

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(Mr. Niaz, Pakistan)

to demand their right of self-determination. The Indian response had been one of brutal suppression. The resolve of the Kashmiri people in the face of Indian atrocities could not possibly be imposed from outside.

11. The representative of India had also claimed that the people of Kashmir had decided to link their destiny with India by participating in elections in Indian-held Kashmir, but the Security Council had reaffirmed in 1951 and in 1957 that any such elections could not be a substitute for the plebiscite mandated by the Council.

12. The Simla Agreement did not alter the disputed status of Jammu and Kashmir and it provided that relations between India and Pakistan should be governed by the Charter of the United Nations. It was therefore wrong to say that Pakistan had departed from the Agreement by raising the issue in the Committee. Pakistan remained committed to a peaceful settlement of the dispute in accordance with the Security Council and UNCIP resolutions and in the spirit of the Simla Agreement.

13. Miss MANIMEKALAI (India) reiterated that self-determination was a right applicable only to peoples under colonial domination and foreign occupation. Any attempt to apply the principle to regions of independent States would undermine the very structure of the international system. The Pakistan delegation should refrain from such attempts.

14. Mr. NIAZ (Pakistan) reiterated that Jammu and Kashmir was a disputed territory recognized as such by the United Nations. Its future had to be determined in accordance with the wishes of the people expressed through a plebiscite held under United Nations auspices. Pakistan sought tension-free relations with India and had always endeavoured to settle the Kashmir dispute through dialogue. This delegation drew the attention of the representative of India to the sentiments expressed in that connection by the Prime Minister of Pakistan at the recent Conference of Heads of State and Government of Non-Aligned Countries in Jakarta.

The meeting rose at 6.25 p.m.